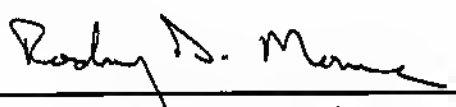


**RICMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

Chapter 8	Number 5	Effective Date 01/24/07	Review Date 2010
Subject CHECKPOINTS AND INFORMATION-SEEKING HIGHWAY STOPS			<input type="checkbox"/> New Order <input checked="" type="checkbox"/> Replaces G.O. 504-3 (08/13/04)
References CALEA 61.1.1c, 61.1.6d, 61.1.10 VLEPSC OPR. 07.03, OPR 07.04, and OPR.07.08 Lowe v. Commonwealth, (1985); Hall v. Commonwealth, (1991); Brown v. Commonwealth, (1995); Michigan Dept. of State Police v. Sitz, (1990); Delaware v. Prouse, (1979); Pennsylvania v. Mimms, (1977); Maryland v. Wilson, (1997) VA Code §46.2-880			
 _____ Chief of Police or Designee			01/24/07 _____ Date

I. PURPOSE

The purpose of this directive is to establish guidelines for the establishment and operation of various types of checkpoints and information-seeking stops by members of the Richmond Police Department. Checkpoints are effective methods of checking the condition of both the vehicle and the operator.

Information-seeking stops may be used under appropriate circumstances to ask for citizen assistance in gathering information in the investigation of a specific and known crime most probably not involving the person from whom the officer is seeking information.

II. POLICY

It is the policy of the Richmond Police Department to conduct periodic checkpoints, in a manner consistent with law and court decisions, which are likely to result in the apprehension of intoxicated drivers and other individuals violating motor vehicle laws by identifying and arresting violators. It is the policy of the Richmond Police Department to conduct information-seeking stops in a manner consistent with law and court decisions in order to aid in the investigation of a known and specific crime.

Both checkpoints and information-seeking stops should be conducted in such a way as to minimize the level of intrusion to the general public. No checkpoints or information-seeking stops will be conducted, except in compliance with the provisions of this directive.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling or disciplinary action is initiated.

IV. DEFINITION

- A. CHECKPOINT - A brief law enforcement stop of all traffic through a designated location for a limited time to inspect drivers' licenses and vehicle registrations, and thereby increase traffic safety by apprehending or citing persons who violate licensing laws, operate unsafe vehicles, or operate a vehicle while under the influence of alcohol or drugs.
- B. INFORMATION-SEEKING HIGHWAY STOP- A brief law enforcement stop of all traffic through a designated location for a limited time to ask vehicle occupants for assistance in providing information about a specific and known crime. This type of stop is not designed to illicit incriminating information from the vehicle occupants but rather to seek information from members of the public to assist in a criminal investigation.

V. PROCEDURE

A. General Guidelines for Checkpoints and Information-seeking Stops:

- 1. Checkpoints and information-seeking stops must be carried out pursuant to neutral criteria and must limit the conduct of the officer(s) undertaking the checkpoint. Such a plan serves to ensure that one's reasonable expectation of privacy is not subject to arbitrary invasions solely at the unfettered discretion of officers in the field, {Lowe v. Commonwealth, 230 Va. 346, 349 (1985); Hall v. Commonwealth, 12 Va. App. 972 (1991); Brown v. Commonwealth, 20 Va. App. 21, 21 (1995); Illinois v. Lidster (2004).}
- 2. All checkpoints and information-seeking stops shall be conducted pursuant to a written plan which accomplishes the following:
 - a) Describes the objective of the checkpoint or information-seeking stop;
 - b) Identifies the personnel involved (requires a minimum of *two* officers) to direct traffic for the duration of the checkpoint. A supervisor must also be available to monitor activities.
 - c) Specifies the location of the checkpoint or information-seeking stop;
 - d) Provides adequate space for parking police vehicles out of the traffic flow;
 - e) Provides adequate space for vehicles to be pulled out of the traffic flow without creating a hazard;
 - f) Specifies the date and time for beginning and ending the checkpoint or information-seeking stop; and,

- g) Identifies the traffic control devices, special uniforms and equipment required at the checkpoint or information-seeking stop.
- 3. The duration of a checkpoint or information-seeking stop may vary from a half-hour to four hours under most circumstances. However, if additional time is needed, the supervisor may authorize extending the time.
- 4. Each officer participating in the checkpoint or information-seeking stop shall have, in his/her possession, a copy of this directive and a copy of the Authorization for Checkpoint or Information-seeking Stop Form (PD-96), which has been signed by the authorizing supervisor. The original will be forwarded to the Officer-in-Charge (OIC) of the Traffic Unit to be filed.
- 5. Nothing in this General Order prohibits officers from enforcing other specific law violations such as Speeding or Failure to Stop at a Stop Sign, et cetera *while the checkpoint or information-seeking stop is in effect.*

B. Authorization:

- 1. Checkpoints must be authorized by the OIC of the affected Precinct or designee, or the OIC of the Traffic Unit or designee. Information-seeking stops must be authorized by the OIC of the *Special Events* Division or designee and the OIC of the affected Precinct or designee or the OIC of the Traffic Unit or designee.
- 2. Checkpoints shall only be authorized when:
 - a) The primary purpose of the checkpoint is for sobriety and/or license/registration checks;
 - b) They are conducted in an objective manner in which the participating officers are not allowed to stop vehicles on a discretionary basis;
 - c) There is evidence of DUI violations (*for a sobriety checkpoint*). *The Department's vital interest in enforcing motor vehicle laws regarding licensure and equipment is sufficient to justify license/registration checkpoints;*
 - d) Reasonable safeguards for citizens and officers can be ensured;
 - e) There is a completed Authorization for Checkpoint or *Information-Seeking Stop* Form (PD-96) on file; and,
 - f) There is a minimum of intrusion or inconvenience to the public.
- 3. Information-seeking stops shall only be authorized when:
 - a) There is reason to believe that it will be helpful to seek information from the public to assist in a criminal investigation of a specific and known crime;

- b) They are conducted in an objective manner in which the participating officers are not allowed to stop vehicles on a discretionary basis;
- c) Reasonable safeguards for citizens and officers can be ensured;
- d) There is a completed Authorization for Checkpoint or Information-Seeking Stop Form (PD-96) on file; and,
- e) There is a minimum of intrusion or inconvenience to the public.

C. Site Safety:

1. All police checkpoint and information-seeking stop installations will meet *departmental* guidelines, in order to maximize the safety of police officers and the motoring public. The minimum clear sight distances between the checkpoint's stop and the point where a motorist first comes into view of a checkpoint are provided as follows. (These take into account the total stopping and normal braking distance as indicated in the VA Code §46.2-880.)
 - ☐ 25 mph zone = 59 Feet
 - ☐ 35 mph zone = 101 Feet
 - ☐ 45 mph zone = 154 Feet
2. There must be adequate shoulders, travel lanes and/or off street public or private property to provide a safe place to direct motorists stopped for further inquiries and/or sobriety tests. If private property is used, the owner must consent, in writing, to usage.
3. Signs clearly announcing a checkpoint or information-seeking stop must be in place to assure motorists that the checkpoint is a legitimate police operation
4. Sufficient other signs, i.e. Slow, Stop etc. must be placed to give adequate direction to motorists approaching the checkpoint or information-seeking stop.
5. Sufficient flares or other lighting must exist to provide visibility and safety to all police officers and motorists. Any measures necessary must be taken to ensure adequate visibility and safety.
6. All officers working checkpoints or information-seeking stops shall be in uniform and wearing a traffic safety vest.
7. Officers assigned to the checkpoint or information-seeking stop shall park their vehicles so that they do not impede traffic flow. The vehicles should be highly visible to approaching drivers and should provide protection to stationary officers.
8. Traffic control and warning devices shall be placed to provide adequate warning to drivers.

9. Officers shall create a safe location for vehicles that require further inspection, possibly in a lane that has been temporarily shut down.
10. Upon approaching a vehicle, officers shall: a) practice officer safety techniques, b) advise the driver of the purpose of the stop, c) **FOR CHECKPOINTS ONLY** request driver's license and registration, and d) shall limit the interaction to only that time that is necessary.

NOTE: Officers SHALL NOT request driver's license and registration from occupants during an information-seeking stop unless officers develop reasonable suspicion of a criminal act.

11. If the officer observes behavior that furnishes a reasonable suspicion that the driver has been drinking and/or is involved in some other form of criminal activity, then the officer may question the driver and if justified, direct the driver to the safe location for further investigation.
12. The decision to order a driver or passenger out of a vehicle at a checkpoint should be supported by the appropriate legal justifications (Pennsylvania v. Mimms, 434 U.S. 106 (1997); Maryland v. Wilson, 117 S. Ct. 882 (1997)).

D. Site and Vehicle Selection:

1. For checkpoints, the site shall be ***selected by a supervisor and authorized based on the criteria and procedures set forth in this order. A list of checkpoint sites*** shall be compiled and maintained by the Traffic Unit.
2. For information-seeking stops, sites shall be chosen based on the specific and known crime under investigation.
3. All checkpoints and information-seeking stops will be under the direct, on-scene supervision of one or more Department supervisors. When authorizing a checkpoint or information-seeking stop, the authorizing officer will designate a senior site supervisor or act in that capacity him/herself.
4. When possible, all vehicles entering the checkpoint or information-seeking stop will be stopped.
 - a) When safety or tactical conditions make the stopping of every vehicle impossible, the site supervisor shall direct an alternative method, i.e. every 5th car, every 10th car et cetera, so that deciding which vehicles to stop is not left to the discretion of the officer.
 - b) At no time will officers be given instructions to or be allowed to pick and choose which cars are to be stopped.
 - c) All stops will be as brief as possible.
 - d) For checkpoints only, the site supervisor shall advise the participating officers what criteria will be used in screening motorists at the checkpoint site.

- e) For checkpoints only, the standardized field sobriety tests shall be utilized.

E. Training:

1. Every officer working a checkpoint will be thoroughly briefed as to:
 - a) The criteria to be used in screening motorists;
 - b) Which standardized sobriety tests to administer (when DUI checkpoints are conducted);
 - c) His/her specific duties at the checkpoint; and,
 - d) The contents of this directive.
2. Every officer working an information-seeking stop will be thoroughly briefed on:
 - a) The known and specific crime for which information is being sought;
 - b) The officer shall not ask for driver's license and registration unless the officer develops reasonable suspicion of a criminal act;
 - c) His/her specific duties at the checkpoint; and,
 - d) The contents of this directive.

F. Record Keeping:

1. Immediate notification results will be conveyed to the *night supervisor* at the conclusion of the checkpoint or information seeking highway stops. If the *night supervisor* is unavailable, the notification will be made to the *Area Watch Commander*.
2. If applicable, a "Sobriety Checkpoint after Action Report" will be filed with the OIC of the Traffic Unit, within five working days of the checkpoint.
3. This report shall contain the following information:
 - a) Criteria used to select site;
 - b) Names of all personnel assigned;
 - c) Date, time, location of checkpoint;
 - d) Number of vehicles stopped;
 - e) Number of violations discovered;
 - f) Number of summonses issued (listing each specific violation/charge and providing cumulative totals);

- g) Method and the criteria used to stop vehicles, i.e. all vehicles or 1 in 5, etc.);
 - h) Average time of checkpoint;
 - i) Number of vehicles detained for further examination;
 - j) Criteria used for stopping those detained;
 - k) Types of sobriety tests utilized, if applicable;
 - l) Number of arrests made;
 - m) Impact or suspected impact of the checkpoint;
 - n) Safeguards employed to protect officers and motorists;
 - o) Diagram of checkpoint scene – with photos, a video or aerial pictures, if possible, of the selected location on a DUI checkpoint only;
 - p) Media efforts, if applicable for DUI checkpoints; and,
 - q) A copy of the completed PD-96 Form.
4. If an officer is called to testify in court to any violation arising out of the checkpoint, he/she must have a copy of this order and a copy of the PD-96 form in his/her possession.

G. **Publicity for Checkpoints and Information-Seeking Stops:**

- 1. A major purpose of a checkpoint is to prevent DUI violations. Consequently, as much media attention as possible should be generated to discourage citizens from driving while intoxicated. Accordingly, the news media should be notified, prior to the establishment of a checkpoint.
- 2. The primary purpose of the information-seeking stop is to request information from the public regarding a specific and known crime under investigation. As much media attention as possible should be generated to encourage citizens to provide information to assist in solving the crime. Accordingly, the news media should be notified prior to the establishment of the stop.

VI. **ROLES AND ACCOUNTABILITY**

A. ***Officers shall:***

- 1. ***Direct traffic and perform duties in uniform and wearing traffic safety vests;***
- 2. ***Carry a copy of General Order 8-5, Checkpoints and Information-Seeking Highway Stops;***
- 3. ***Enforce other specific law violations while conducting a checkpoint;***

4. *Park police vehicle where it will be visible to approaching drivers, provides protection to stationary officers and will not impede traffic;*
 5. *Create a safe location for vehicles requiring further inspection;*
 6. *Ensure that signs are mounted, lighting exists, and traffic control and warning devices are in place;*
 7. *Perform all duties and follow procedures as instructed during training/briefing session(s) for checkpoints and information-seeking stops while practicing safety techniques, advising drivers of purpose, limiting interaction and checking driver's license and registration for checkpoint only;*
 8. *Familiarize themselves with all checkpoint operating procedures; and,*
 9. *Testify in court, if called upon. At that time, officers shall carry with them a copy of this General Order as well an Authorization for Checkpoint or Information-Seeking Stop Form, (PD-96).*
- B. *Authorizing Officer shall:*
- Designate a Senior Site Supervisor or act in that capacity him/herself.*
- C. *Site Supervisor shall:*
1. *Supervise at the Checkpoint or Information-seeking stop location, following all guidelines received in training/briefing and as noted in this directive;*
 2. *Assist officer(s) with directing traffic;*
 3. *Carry copy of General Order 8-5, Checkpoints and Information-Seeking Highway Stops;*
 4. *Authorize a Checkpoint or Information-Seeking Highway stop by signing a PD-96 form and forwarding it to the Traffic Unit OIC;*
 5. *Notify the night supervisor at the conclusion of the checkpoint or Information-seeking Highway stop.*
- D. *Special Events Unit OIC (or designee) shall:*
- Authorize an Information-Seeking Highway stop.*
- E. *Traffic Unit OIC (or designee) shall:*
1. *Authorize Checkpoint and/or Information-Seeking Highway stops;*
 2. *File and maintain original PD-96; and,*
 3. *Compile and maintain checkpoint sites list.*

F. *Precinct Commander (or designee) shall:*

Authorize Checkpoint and/or Information-Seeking Highway stops.

VII. **FORMS**

A. *Authorization for Checkpoint or Information-Seeking Highway Stop (PD-96); and*

B. *Sobriety Checkpoint After-Action Report.*